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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN GARCIA,

Defendant and Appellant.

B206918

(Los Angeles County
Super. Ct. No. BA294397)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Jose I. Sandoval, Judge. Affirmed.

Marylou Hillberg, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Juan Garcia appeals from the judgment entered following his no contest plea to conspiracy to transport cocaine (Pen. Code, § 182, subd. (a)(1); Health & Saf. Code, § 11352, subd. (a)) and his admission that the amount of cocaine exceeded four kilograms within the meaning of Health and Safety Code section 11370.4, subdivision (a)(2). Pursuant to his negotiated plea, he was sentenced to prison for the upper term of five years, plus an additional term of five years for the weight enhancement. No request for a certificate of probable cause was made.

The evidence at the preliminary hearing established that in 2005 the United States Drug Enforcement Agency was investigating the importation from Mexico of cocaine, which was then supplied to members of appellant's narcotics organization in Los Angeles and distributed throughout the United States. Wiretapping of phone calls in August 2005 revealed that appellant and codefendants were involved in transporting 100 kilograms of cocaine concealed in a hidden compartment of a tractor-trailer across the country to Georgia. Appellant, whose code name was "Cheese," was heard on these telephone calls coordinating the acquisition of the truck and cocaine and directing the driver of the truck in the transportation of the cocaine. In Georgia, law enforcement stopped the truck, discovered the cocaine, and arrested the driver of the truck.

On February 13, 2007, appellant filed a motion in limine to exclude statements of identification pursuant to Evidence Code section 402 and a motion to suppress his statement.

On February 16, 2007, the court ordered appellant to submit a voice exemplar to the People.

On June 13, 2007, appellant's motion for a voice lineup was denied.

After review of the record, appellant's court-appointed counsel filed an opening brief requesting this court to independently review the record pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441.

On September 12, 2008, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. Appellant's

motion for extension of time to file a supplemental brief was granted to and including November 30, 2008.

On January 29, 2009, appellant submitted a letter indicating he believed the transcripts he had been provided were incomplete. He stated that, while he was arrested on December 8, 2005, the transcripts do not reflect any court appearances from the date of his arrest until his preliminary hearing on December 26, 2006.

We have examined the entire record and are satisfied that no arguable issues exist. Pursuant to Penal Code section 1237.5, “No appeal shall be taken by the defendant from a judgment of conviction upon a plea of guilty or nolo contendere . . . except where both of the following are met: [¶] (a) The defendant has filed with the trial court a written statement, executed under oath or penalty of perjury showing reasonable constitutional, jurisdictional, or other grounds going to the legality of the proceedings. [¶] (b) The trial court has executed and filed a certificate of probable cause for such appeal with the clerk of the court.” Appellant has, by virtue of counsel’s compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

DISPOSITION

The judgment is affirmed.

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MANELLA, J.

We concur:

WILLHITE, Acting P. J.

SUZUKAWA, J.